

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

UNITED STATES OF AMERICA,	)	
	)	
	)	
v.	)	
	)	CR410-099
WAYNE MUNGIN,	)	
	)	
Defendant.	)	
_____	)	

O R D E R

Before the Court is the Magistrate Judge's May 26, 2022, Report and Recommendation (Doc. 168), to which no party has filed objections. After a careful review of the record,<sup>1</sup> the Report and Recommendation is **ADOPTED** as the Court's opinion in this case.

Accordingly, the Court finds that Defendant Wayne Mungin is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. Competency restoration procedures are, therefore, appropriate. 18 U.S.C. § 4241(d). The parties' joint motion seeking inpatient competency restoration services for

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<sup>1</sup> The Court reviews de novo a magistrate judge's findings to which a party objects, and the Court reviews for clear error the portions of a report and recommendation to which a party does not object. 28 U.S.C. § 636(b)(1); see Merchant v. Nationwide Recovery Serv., Inc., 440 F. Supp. 3d 1369, 1371 (N.D. Ga. 2020) (citing Macort v. Prem, Inc., 208 F. App'x 781, 784 (11th Cir. 2006) (per curiam) (outlining the standard of review for report and recommendations)).

Defendant (Doc. 161) is **GRANTED**. Defendant is committed to the custody of the Attorney General, who is **DIRECTED** to hospitalize him for treatment in a suitable facility for such a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability that in the foreseeable future he will attain the capacity to permit the proceedings under 18 U.S.C. § 4243(g) to go forward. 18 U.S.C. 4241(d)(1); see United States v. Donofrio, 896 F.2d 1301, 1303 (11th Cir. 1990).

SO ORDERED this 30<sup>th</sup> day of June 2022.

A handwritten signature in blue ink, appearing to read 'W. Moore', is written over a horizontal line.

WILLIAM T. MOORE, JR.  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA